

PLD-PI-001(3)

SHORT TITLE:

JERRY BAKER V. VVP DARRER-YOUNG #605

CASE NUMBER

5:14-11951

CAUSE OF ACTION—Intentional Tort

Page 1

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): JERRY BAKER

alleges that defendant (name): DARRER-YOUNG #605

☐ Does _____ to _____

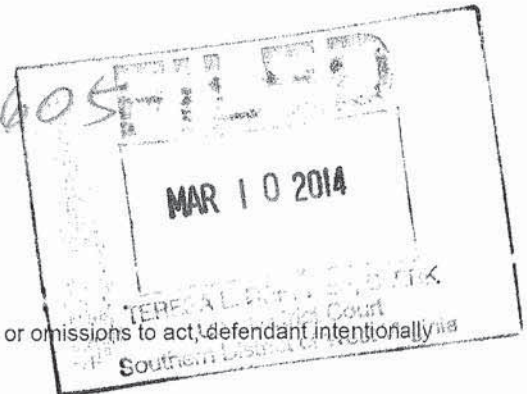
was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 12.22.12

at (place): VAL. CA

(description of reasons for liability):

ON 12.22.12 VACAVILLE POLICE OFFICER DARRER-YOUNG SEIZED \$2401.00 OF MY CASH. ON 2.6.13 THE CASE WAS DISMISSED & I STILL HAVE NOT BEEN GIVEN MY \$2401.00 BACK. SEE THE ATTACHED FORFEITURE RECEIPT.



PLD-PI-001(3)

SHORT TITLE:

JERRY BAKER V. VRR GARRETT YOUNG #605

CASE NUMBER

CAUSE OF ACTION—Intentional Tort

Page 1

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name): JERRY BAKER

alleges that defendant (name): GARRETT YOUNG #605

☐ Does _____ to _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 12.22.12

at (place): VAL. CA

(description of reasons for liability):

ON 12.22.12 VALA VILLE POLICE OFFICER #605 GARRETT YOUNG SEIZED \$2401.00 OF MY CASH. ON 2.6.13 THE CASE WAS DISMISSED & I STILL HAVE NOT BEEN GIVEN MY \$2401.00 BACK. SEE THE ATTACHED FORFEITURE RECEIPT.

PLD-PI-001(3)

SHORT TITLE: JERRY BAKER V. VVFF GARRETT YOUNG #605	CASE NUMBER
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CAUSE OF ACTION—Intentional Tort

Page 1

(number)

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

IT-1. Plaintiff (name):

JERRY BAKER

alleges that defendant (name):

GARRETT YOUNG #605

☐ Does _____ to _____

was the legal (proximate) cause of damages to plaintiff. By the following acts or omissions to act, defendant intentionally caused the damage to plaintiff

on (date): 12.22.12

at (place): VAL. CA

(description of reasons for liability):

ON 12.22.12 VALA VILLE POLICE OFFICER #605 GARRETT YOUNG SEIZED \$2401.00 OF MY CASH. ON 2.6.13 THE CASE WAS DISMISSED & I STILL HAVE NOT BEEN GIVEN MY \$2401.00 BACK. SEE THE ATTACHED FORFEITURE RECEIPT.

Page 1 of 1

seatbelts which are installed for the use of persons seated in the front seat of the vehicle.

Dealer shall sell or offer for sale any used passenger vehicle manufactured on or after January 1, 1968, other than a vehicle which is not equipped with seatbelts for each occupant position.

Seatbelts required in subdivisions (a) and (b) shall conform to the regulations established by the department. The requirements of this section shall not apply to vehicle dismantlers, automobile dismantlers, or junk dealers.

Ch. 723, Stats. 1979. Effective January 1, 1980.

Safety Belts

(a) (1) Subject to paragraph (3), no dealer shall offer for sale any used passenger vehicle of a model year 1972 to 1990, inclusive, unless there is affixed to the vehicle a label on the left front door or, if there is no window, to a suitable location so that it may be seen and read by a person standing outside the vehicle at that location, a label printed in 14-point type, which reads as follows:

WARNING: While use of all seat belts reduces the chance of injury, failure to install and use shoulder harnesses with lap-only belts increase the chance of head and neck injury by allowing the upper torso to move unrestrained in a crash and increase the chance of spinal column and internal injuries by concentrating excessive force on the upper torso. Because children carry a disproportionate amount of body weight above the waist, they are more likely than adults to suffer those injuries. Shoulder harnesses may be available that can be retrofitted in this vehicle. For more information call the Auto Safety Hotline at 1-800-424-9393."

The notice shall remain affixed to the vehicle pursuant to paragraph (1) at all times that the vehicle is for sale.

The notice is not required to be affixed to any vehicle equipped with both a lap belt and a shoulder harness for the driver and one passenger in the front seat of the vehicle and at least two passengers in the rear seat of the vehicle.

(1) In addition to the requirements of subdivision (a), subject to paragraph (3) and subdivision (c), the dealer shall affix, to one rear seat lap belt buckle of every used passenger vehicle of a model year of 1972 to 1990, inclusive, in a rear seat, a notice, printed in 10-point type, that reads as follows:

WARNING: While use of all seat belts reduces the chance of injury, failure to install and use shoulder harnesses with lap-only belts can result in serious or fatal injuries in some crashes. Shoulder harnesses may be available that can be retrofitted in this vehicle. For more information, call the Auto Safety Hotline at 1-800-424-9393."

The notice shall remain affixed to the vehicle pursuant to paragraph (1) at all times that the vehicle is for sale.

The message is not required to be affixed to any vehicle equipped with both a lap belt and a shoulder harness for the driver and at least two passengers in the rear seat or having no rear seat lap belts.

(c) A dealer is not in violation of subdivision (b) unless a

private nonprofit entity has furnished a supply of the appropriate notices suitable for affixing as required free of charge or, having requested a resupply of notices, has not received the resupply.

(d) The department shall furnish, to a nonprofit private entity for purposes of this section, for a fee not to exceed its costs in so furnishing, at least once every six months, a list of all licensed dealers who sell used passenger vehicles.

Amended Sec. 11, Ch. 619, Stats. 1997. Effective January 1, 1998.

Mandatory Seat Belt Law

27315. (a) The Legislature finds that a mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seatbelts, that automatic crash protection systems () ¹ that require no action by vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal *motor vehicle* safety standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) (1) As used in this section, "motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

(2) For purposes of this section, a "motor vehicle" also means a farm labor vehicle, regardless of the date of certification under Section 31401.

(d) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

() ²(3) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers () ³eight years of age or over () ⁴in the front seat, are properly restrained by a safety belt.

() ⁵(4) The operator of a taxicab shall not operate the taxicab unless any passengers () ³eight years of age or over

seatbelts which are installed for the use of persons seated in the vehicle.

A dealer shall sell or offer for sale any used passenger vehicle manufactured on or after January 1, 1968, other than a vehicle, unless it is equipped with seatbelts for each occupant.

Seatbelts required in subdivisions (a) and (b) shall conform to the regulations established by the department. The requirements of this section shall not apply to vehicle dismantlers, automobile dismantlers, or junk dealers.

Ch. 723, Stats. 1979. Effective January 1, 1980.

Safety Belts

(a) (1) Subject to paragraph (3), no dealer shall sell or offer for sale any used passenger vehicle of a model year 1968 to 1990, inclusive, unless there is affixed to the vehicle, on the left front door or, if there is no window, to an adjacent location so that it may be seen and read by a person standing outside the vehicle at that location, a notice, printed in 14-point type, which reads as follows:

WARNING: While use of all seat belts reduces the chance of serious injury, failure to install and use shoulder harnesses with lap-only belts increase the chance of head and neck injuries by allowing the upper torso to move unrestrained in a crash and increase the chance of spinal column and internal injuries by concentrating excessive force on the neck. Because children carry a disproportionate amount of body weight above the waist, they are more likely to suffer those injuries. Shoulder harnesses may be available that can be retrofitted in this vehicle. For more information call the Auto Safety Hotline at 1-800-424-9393."

The notice shall remain affixed to the vehicle pursuant to paragraph (1) at all times that the vehicle is for sale.

The notice is not required to be affixed to any vehicle equipped with both a lap belt and a shoulder harness for the driver and one passenger in the front seat of the vehicle and at least two passengers in the rear seat of the vehicle.

(1) In addition to the requirements of subdivision (a), subject to paragraph (3) and subdivision (c), the dealer shall affix, to one rear seat lap belt buckle of every used passenger vehicle of a model year of 1972 to 1990, inclusive, as a rear seat, a notice, printed in 10-point type, that reads as follows:

WARNING: While use of all seat belts reduces the chance of serious injury, failure to install and use shoulder harnesses with lap-only belts can result in serious or fatal injuries in some crashes. Shoulder harnesses may be available that can be retrofitted in this vehicle. For more information, call the Auto Safety Hotline at 1-800-424-9393."

The notice shall remain affixed to the vehicle pursuant to paragraph (1) at all times that the vehicle is for sale.

The message is not required to be affixed to any vehicle equipped with both a lap belt and a shoulder harness for at least two passengers in the rear seat or having no rear seat lap belts.

A dealer is not in violation of subdivision (b) unless a

private nonprofit entity has furnished a supply of the appropriate notices suitable for affixing as required free of charge or, having requested a resupply of notices, has not received the resupply.

(d) The department shall furnish, to a nonprofit private entity for purposes of this section, for a fee not to exceed its costs in so furnishing, at least once every six months, a list of all licensed dealers who sell used passenger vehicles.

Amended Sec. 11, Ch. 619, Stats. 1997. Effective January 1, 1998.

Mandatory Seat Belt Law

27315. (a) The Legislature finds that a mandatory seatbelt law will contribute to reducing highway deaths and injuries by encouraging greater usage of existing manual seatbelts, that automatic crash protection systems () ¹ that require no action by vehicle occupants offer the best hope of reducing deaths and injuries, and that encouraging the use of manual safety belts is only a partial remedy for addressing this major cause of death and injury. The Legislature declares that the enactment of this section is intended to be compatible with support for federal *motor vehicle* safety standards requiring automatic crash protection systems and should not be used in any manner to rescind federal requirements for installation of automatic restraints in new cars.

(b) This section shall be known and may be cited as the Motor Vehicle Safety Act.

(c) (1) As used in this section, "motor vehicle" means a passenger vehicle, a motortruck, or a truck tractor, but does not include a motorcycle.

(2) For purposes of this section, a "motor vehicle" also means a farm labor vehicle, regardless of the date of certification under Section 31401.

(d) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

(2) For purposes of this section the phrase, "properly restrained by a safety belt" means that the lower (lap) portion of the belt crosses the hips or upper thighs of the occupant and the upper (shoulder) portion of the belt, if present, crosses the chest in front of the occupant.

() ²(3) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers () ³eight years of age or over () ⁴in the front seat, are properly restrained by a safety belt.

() ⁵(4) The operator of a taxicab shall not operate the taxicab unless any passengers () ³eight years of age or over

seatbelts which are installed for the use of persons seated in the front seat of the vehicle.

Any dealer shall sell or offer for sale any used passenger vehicle manufactured on or after January 1, 1968, other than a vehicle which is not equipped with seatbelts for each occupant position.

Seatbelts required in subdivisions (a) and (b) shall conform to the regulations established by the department. The requirements of this section shall not apply to vehicle dismantlers, automobile dismantlers, or junk dealers.

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Safety Belts

(a) (1) Subject to paragraph (3), no dealer shall offer for sale any used passenger vehicle of a model year 1972 to 1990, inclusive, unless there is affixed to the left front door or, if there is no window, to an adjacent location so that it may be seen and read by a person standing outside the vehicle at that location, a notice printed in 14-point type, which reads as follows:

WARNING: While use of all seat belts reduces the chance of injury, failure to install and use shoulder harnesses with lap-only belts can result in serious or fatal injuries in some cases. Lap-only belts increase the chance of head and neck injury by allowing the upper torso to move unrestrained in a crash and increase the chance of spinal column and internal injuries by concentrating excessive force on the neck. Because children carry a disproportionate amount of body weight above the waist, they are more likely to suffer those injuries. Shoulder harnesses may be available that can be retrofitted in this vehicle. For more information call the Auto Safety Hotline at 1-800-424-9393."

The notice shall remain affixed to the vehicle pursuant to paragraph (1) at all times that the vehicle is for sale.

The notice is not required to be affixed to any vehicle equipped with both a lap belt and a shoulder harness for the driver and one passenger in the front seat of the vehicle and at least two passengers in the rear seat of the vehicle.

(1) In addition to the requirements of subdivision (a), subject to paragraph (3) and subdivision (c), the dealer shall affix, to one rear seat lap belt buckle of every used passenger vehicle of a model year of 1972 to 1990, inclusive, as a rear seat, a notice, printed in 10-point type, that reads as follows:

WARNING: While use of all seat belts reduces the chance of injury, failure to install and use shoulder harnesses with lap belts can result in serious or fatal injuries in some cases. Shoulder harnesses may be available that can be retrofitted in this vehicle. For more information, call the Auto Safety Hotline at 1-800-424-9393."

The notice shall remain affixed to the vehicle pursuant to paragraph (1) at all times that the vehicle is for sale.

The message is not required to be affixed to any vehicle equipped with both a lap belt and a shoulder harness for at least two passengers in the rear seat or having no rear seat lap belts:

A dealer is not in violation of subdivision (b) unless a

private nonprofit entity has furnished a supply of the appropriate notices suitable for affixing as required free of charge or, having requested a resupply of notices, has not received the resupply.

(d) The department shall furnish, to a nonprofit private entity for purposes of this section, for a fee not to exceed its costs in so furnishing, at least once every six months, a list of all licensed dealers who sell used passenger vehicles.

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(d) (1) A person shall not operate a motor vehicle on a highway unless that person and all passengers 16 years of age or over are properly restrained by a safety belt. This paragraph does not apply to the operator of a taxicab, as defined in Section 27908, when the taxicab is driven on a city street and is engaged in the transportation of a fare-paying passenger. The safety belt requirement established by this paragraph is the minimum safety standard applicable to employees being transported in a motor vehicle. This paragraph does not preempt more stringent or restrictive standards imposed by the Labor Code or another state or federal regulation regarding the transportation of employees in a motor vehicle.

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() ²(3) The operator of a limousine for hire or the operator of an authorized emergency vehicle, as defined in subdivision (a) of Section 165, shall not operate the limousine for hire or authorized emergency vehicle unless the operator and any passengers () ³eight years of age or over () ⁴in the front seat, are properly restrained by a safety belt.

() ⁵(4) The operator of a taxicab shall not operate the taxicab unless any passengers () ³eight years of age or over

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Cal. Crim. Pr. Mo, Jr, SENT

An inspection warrant shall be issued upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

NOTES TO FORM

Research References

Text References

C.J.S., Arrest § 65

C.J.S., Internal Revenue § 807

C.J.S., Searches and Seizures §§ 2-18, 20-110, 189, 217-234

West's Digest References

Searches and Seizures ⇐ 11-85

V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____PEOPLE OF THE STATE OF
CALIFORNIA,

v. Plaintiff,

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF _____
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], the office of the District Attorney of _____ County, and their agents to release to the defendant the following property seized from the defendant's _____ [residence, vehicle or person] on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

This motion will be made on the ground that _____ [specify]

SEARCH AND SEIZURE

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the grounds, such as the application lacked probable cause, the property seized was outside the warrant's authorization, or the property was not stolen or embezzled).

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: _____

NOTES TO FORM

Attorney for Defendant

Authorities

Pen C §§ 1536, 1539-1540

Baker v. Superior Court, 25 Cal. App. 3d 1085, 102 Cal. Rptr. 494 (1972)

Ensoniq Corp. v. Superior Court, 65 Cal. App. 4th 1537, 77 Cal. Rptr. 2d 507 (1998)

Commentary

Pen C § 1536 provides for return or delivery of property seized under a search warrant. The trial court is statutorily empowered to entertain a motion for return of seized items, as well as by the court's inherent power to control and prevent the abuse of its process. (People v. Superior Court, 28 Cal. App. 3d 600, 607, 104 Cal. Rptr. 876 (1972)) If no criminal action is pending, an owner's motion for return of seized property is classified as a special proceeding, conducted under the provisions of Pen C §§ 1539-1540. (Avelar v. Superior Court, 7 Cal. App. 4th 1270, 1276, 9 Cal. Rptr. 2d 536 (1992), opinion modified, (July 31, 1992)) Property seized without a warrant is still under the jurisdiction of the court, even if no charges have been filed or the property has not been offered or received into evidence. (Gershenhorn v. Superior Court, Los Angeles County, 227 Cal. App. 2d 361, 166, 38 Cal. Rptr. 576 (1964))

Illegally seized: Both criminal defendants and nondefendants may move for return of seized property because the search warrant or seizure was unlawful. A defendant may move for return of property or suppression of evidence pursuant to Pen C §§ 1538.5 and 1540, on grounds that the search or seizure was illegal, or the warrant was insufficient on its face. (Baker v. Superior Court, 25 Cal. App. 3d 1085, 1088, 102 Cal. Rptr. 494 (1972)) Under sections 1539-1540, a nondefendant may move for return of property on grounds that the property taken was not the same as that described in the warrant, or that there was no probable cause to believe the existence of the grounds on which the warrant was issued. (People v. Superior Court (Chico etc. Health Center), 187 Cal. App. 3d 648, 232 Cal. Rptr. 165 (1986)).

Stolen property: When property is alleged to have been stolen or embezzled, the officer with custody of the property must hold it subject to the provisions of Pen C §§ 1407-1413. A person who claims to be the owner of the allegedly stolen or embezzled property may apply to the magistrate for an order delivering the property to him, upon satisfactory proof of

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CAL CRIM PR, MO, JI, SENT

An inspection warrant shall be issued upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

NOTES TO FORM

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C.J.S., Arrest § 65

C.J.S., Internal Revenue § 807

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V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____PEOPLE OF THE STATE OF
CALIFORNIA,

v

Plaintiff,

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF _____
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE.

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], agents to release to the defendant the following property seized from the defendant's _____ [residence, vehicle or person] on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

This motion will be made on the ground that _____ [specify]

SEARCH AND SEIZURE

§ 17:28

the grounds, such as the application lacked probable cause, the property seized was outside the warrant's authorization, or the property was not stolen or embezzled.

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: _____

Attorney for Defendant

NOTES TO FORM

Authorities

Pen C §§ 1536, 1539-1540

Baker v. Superior Court, 25 Cal. App. 3d 1085, 102 Cal. Rptr. 494 (1972)

Ensoniq Corp. v. Superior Court, 65 Cal. App. 4th 1537, 77 Cal. Rptr. 2d 607 (1998)

Commentary

Pen C § 1536 provides for return or delivery of property seized under a search warrant. The trial court is statutorily empowered to entrain a motion for return of seized items, as well as by the court's inherent power to control and prevent the abuse of its process. (People v. Superior Court, 28 Cal. App. 3d 600, 607, 104 Cal. Rptr. 876 (1972)) If no criminal action is pending, an owner's motion for return of seized property is classified as a special proceeding, conducted under the provisions of Pen C §§ 1539-1540. (Avelar v. Superior Court, 7 Cal. App. 4th 1270, 1276, 9 Cal. Rptr. 2d 536 (1992), opinion modified, (July 31, 1992)) Property seized without a warrant is still under the jurisdiction of the court, even if no charges have been filed or the property has not been offered or received into evidence. (Gershenhorn v. Superior Court, Los Angeles County, 227 Cal. App. 2d 361, 166, 38 Cal. Rptr. 576 (1964))

Illegally seized: Both criminal defendants and nondelinquents may move for return of seized property because the search warrant or seizure was unlawful. A defendant may move for return of property or suppression of evidence pursuant to Pen C §§ 1538.5 and 1540, on grounds that the search or seizure was illegal, or the warrant was insufficient on its face. (Baker v. Superior Court, 25 Cal. App. 3d 1085, 1088, 102 Cal. Rptr. 494 (1972)) Under sections 1539-1540, a nondelinquent may move for return of property on grounds that the property taken was not the same as that described in the warrant, or that there was no probable cause to believe the existence of the grounds on which the warrant was issued. (People v. Superior Court (Chico etc. Health Center), 187 Cal. App. 3d 648, 232 Cal. Rptr. 165 (1986)).

Stolen property: When property is alleged to have been stolen or embezzled, the officer with custody of the property must hold it subject to the provisions of Pen C §§ 1407-1413. A person who claims to be the owner of the allegedly stolen or embezzled property may apply to the magistrate for an order delivering the property to him, upon satisfactory proof of

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CAL CRIM PR, MO, JI, SENT

An inspection warrant shall be issued upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

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V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

v

Plaintiff,

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF _____
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], agents of the District Attorney of _____ County, and their _____ [date] by officers of the _____ [residence, vehicle or person] on _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

This motion will be made on the ground that _____ [specify]

SEARCH AND SEIZURE

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the grounds, such as the application lacked probable cause, the property seized was outside the warrant's authorization, or the property was not stolen or embezzled.

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: _____

Attorney for Defendant

NOTES TO FORM

Authorities

Pen C §§ 1536, 1539-1540

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Emsong Corp. v. Superior Court, 65 Cal. App. 4th 1537, 77 Cal. Rptr. 2d 507 (1998)

Commentary

Pen C § 1536 provides for return or delivery of property seized under a search warrant. The trial court is statutorily empowered to entertain a motion for return of seized items, as well as by the court's inherent power to control and prevent the abuse of its process. (People v. Superior Court, 28 Cal. App. 3d 600, 607, 104 Cal. Rptr. 876 (1972)) If no criminal action is pending, an owner's motion for return of seized property is classified as a special proceeding, conducted under the provisions of Pen C §§ 1539-1540. (Avelar v. Superior Court, 7 Cal. App. 4th 1270, 1276, 9 Cal. Rptr. 2d 536 (1992), opinion modified, (July 31, 1992)) Property seized without a warrant is still under the jurisdiction of the court, even if no charges have been filed or the property has not been offered or received into evidence. (Gershenhorn v. Superior Court, Los Angeles County, 227 Cal. App. 2d 361, 166, 38 Cal. Rptr. 576 (1964))

Illegally seized: Both criminal defendants and nondelinquents may move for return of seized property because the search warrant or seizure was unlawful. A defendant may move for return of property or suppression of evidence pursuant to Pen C §§ 1538.5 and 1540, on grounds that the search or seizure was illegal, or the warrant was insufficient on its face. (Baker v. Superior Court, 25 Cal. App. 3d 1085, 1088, 102 Cal. Rptr. 494 (1972)) Under sections 1539-1540, a nondelinquent may move for return of property on grounds that the property taken was not the same as that described in the warrant, or that there was no probable cause to believe the existence of the grounds on which the warrant was issued. (People v. Superior Court (Chico etc. Health Center), 187 Cal. App. 3d 648, 232 Cal. Rptr. 165 (1986)).

Stolen property: When property is alleged to have been stolen or embezzled, the officer with custody of the property must hold it subject to the provisions of Pen C §§ 1407-1413. A person who claims to be the owner of the allegedly stolen or embezzled property may apply to the magistrate for an order delivering the property to him, upon satisfactory proof of

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An inspection warrant shall be issued upon cause, unless some other provision of state or federal law makes another standard applicable. An inspection warrant shall be supported by an affidavit, particularly describing the place, dwelling, structure, premises, or vehicle to be inspected and the purpose for which the inspection is made. In addition, the affidavit shall contain either a statement that consent to inspect has been sought and refused or facts or circumstances reasonably justifying the failure to seek such consent.

NOTES TO FORM

Research References

- Text References
- C.J.S., Arrest § 65
- C.J.S., Internal Revenue § 807
- C.J.S., Searches and Seizures §§ 2-18, 20-110, 189, 217-234
- West's Digest References
- Searches and Seizures ¶ 11-85

V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF _____
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], agents to release to the defendant the following property seized from the defendant's _____ (residence, vehicle or person) on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].
This motion will be made on the ground that _____ [specify]

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the grounds, such as the application lacked probable cause, the property seized was outside the warrant's authorization, or the property was not stolen or embezzled).

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.
Dated: _____

Attorney for Defendant

NOTES TO FORM

Authorities

- Pen C §§ 1536, 1539-1540
- Buker v. Superior Court, 25 Cal App. 3d 1085, 102 Cal. Rptr. 494 (1972)
- Ensonig Corp. v. Superior Court, 65 Cal. App. 4th 1537, 77, 77 Cal. Rptr. 2d 507 (1998)

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CAL CRIM PR, MO, JL, SENT

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V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)

Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], agents of the District Attorney of _____ County, and their from the defendant's _____ (residence, vehicle or person) on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

This motion will be made on the ground that _____ [specify]

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This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: _____

Attorney for Defendant

NOTES TO FORM

Authorities

- Pen C §§ 1536, 1539-1540
- Buker v. Superior Court, 25 Cal. App. 3d 1085, 102 Cal. Rptr. 494 (1972)
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V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

v
Plaintiff,

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF
COUNTY AND/OR _____ (HIS OR HER) REPRESENTATIVE.

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], agents to release to the defendant the following property seized from the defendant's _____ (residence, vehicle or person) on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

This motion will be made on the ground that _____ [specify]

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Dated: _____

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Attorney for Defendant

Authorities

- Pen C §§ 1536, 1539-1540
- Baker v. Superior Court, 25 Cal. App. 3d 1085, 102 Cal. Rptr. 494 (1972)
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Cal. Crim. Pr. Mo., JJ, SENT

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West's Digest References

Searches and Seizures ⇨ 11-85

V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], the office of the District Attorney of _____ County, and their agents to release to the defendant the following property seized from the defendant's _____ (residence, vehicle or person) on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

This motion will be made on the ground that _____ [specify]

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Dated: _____

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Attorney for Defendant

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Cal. Crim. Pr., Mo., JI, SENT

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V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

v. Plaintiff,

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF
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PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], the office of the District Attorney of _____ County, and their agents to release to the defendant the following property seized from the defendant's _____ [residence, vehicle or person] on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

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SEARCH AND SEIZURE

§ 17:28

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CAL. CRIM. PR. MO. JI, SENT

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C.J.S., Internal Revenue § 807

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West's Digest References

Searches and Seizures ⇨11-85

V. RETURN OF PROPERTY

§ 17:28 Return of property—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____PEOPLE OF THE STATE OF
CALIFORNIA,

v. Plaintiff,

Defendant.

Case No.: _____
NOTICE OF MOTION FOR
RETURN OF SEIZED
PROPERTY (Pen C § 1536)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move for an order directing the _____ [name of police department], the office of the District Attorney of _____ County, and their agents to release to the defendant the following property seized from the defendant's _____ [residence, vehicle or person] on _____ [date] by officers of the _____ [name of police department] under the authority of search warrant no. _____ [specify the property to be returned].

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SEARCH AND SEIZURE

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Dated: _____

Attorney for Defendant
NOTES TO FORM

Authorities

Pen C §§ 1536, 1539-1540

Baker v. Superior Court, 25 Cal. App. 3d 1086, 102 Cal. Rptr. 494 (1972)

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charged with or convicted of any crime and even if a third party owner is not found. (Pen C § 1411, People v. Superior Court (McGraw), 100 Cal. App. 3d 154, 158, 160 Cal. Rptr. 663 (1979)). However, due process requires the People to prove by a preponderance of the evidence that the seized property was in fact stolen or embezzled, if no charges are pending and no conviction has been obtained. Although it may be suspected that the seized property was stolen, that fact must be proven by due process of law. (People v. Lawrence, 140 Cal. App. 2d 133, 138, 295 P.2d 4 (1956)) Evidence Code § 637 provides that the "things which a person possesses are presumed to be owned by him."

NOTES TO FORM

Research References

Text References
C.J.S., Searches and Seizures §§ 217-226
West's Digest References
Searches and Seizures ¶84

VI. ARREST WARRANT

§ 17:30 Arrest Warrant—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

Case No. _____
NOTICE OF MOTION TO
SUPPRESS EVIDENCE
(Pen C § 1538.5)
Date: _____
Time: _____
Place: _____
Plaintiff, _____
v
Defendant. _____

TO THE DISTRICT ATTORNEY OF _____
COUNTY AND/OR _____ (HIS OR HER) REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move that the Court suppress as evidence and restore to the defendant all property seized and observations made under authority of and during the execution of the arrest warrant in the above-case.

This motion will be made on the ground that the search and seizure pursuant to the arrest warrant was unreasonable in violation of the Fourth and Fourteenth Amendments to the United

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States Constitution and violated the defendant's reasonable expectation of privacy. This motion will be made on the following grounds: _____ [specify the legal basis for the warrant's inadequacies. For example: There was no probable cause for the issuance of the arrest warrant].

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: _____

Attorney for Defendant

NOTES TO FORM

Authorities

Pen C §§ 813-814, 816, 1427
People v. Alcorn (1993) 15 Cal 4th 652, 19 Cal Rptr 2d 47

Commentary

A warrant of arrest is a written order, issued by a judge, directing any peace officer to arrest a designated person. The request for an arrest warrant must be supported by a sworn affidavit setting forth the essential facts constituting the offense and sufficient facts to establish that the defendant committed it. (Gordeno v. U.S., 357 U.S. 460, 485, 78 S. Ct. 1245, 2 L. Ed. 2d 1503 (1958)) The supporting affidavit must "allege underlying facts upon which the magistrate can independently find probable cause to arrest the accused." (Pen C §§ 813, 1427, People v. Sessin, 68 Cal. 2d 418, 421, 67 Cal. Rptr. 409, 439 P.2d 321 (1968))

Grounds to challenge: A judge may issue an arrest warrant only if evidence is presented that the offense complained of has been committed and there is "reasonable cause" to believe the defendant has committed it. (Pen C §§ 813, 1427) "Reasonable cause" and "probable cause" and "sufficient cause" are synonymous terms. (Ortega v. Superior Court, 135 Cal. App. 3d 244, 256, 185 Cal. Rptr. 297 (1982)) Any tangible evidence seized or observations made based upon an arrest warrant lacking a probable cause basis for its issuance may be suppressed.

Arrest warrant's existence must be proved: Police officers do not have to have a copy of an arrest warrant in their possession in order to make a valid arrest, when they are informed through official channels of the warrant's existence. (Pen C § 842; People v. Sanford, 265 Cal. App. 2d 960, 71 Cal. Rptr. 790 (1968)) However, upon demand the warrant must be produced in court. The production of a warrant abstract showing the existence of a facially valid warrant is sufficient. (People v. Alcorn (1993) 15 Cal 4th 652, 19 Cal Rptr 2d 47) If challenged, the prosecution must prove that the arresting officer actually received the transmitted arrest warrant information and, to protect against manufactured probable cause, the prosecution retains the burden of proving the source of information was something other than the imagination of another law enforcement officer. (People v.

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C.J.S., Searches and Seizures §§ 217-226
West's Digest References
Searches and Seizures ⇨84

VI. ARREST WARRANT

§ 17:30 Arrest Warrant—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v

Defendant.

Case No.: _____
NOTICE OF MOTION TO
SUPPRESS EVIDENCE
(Pen C § 1538.5)
Date: _____
Time: _____
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Attorney for Defendant

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FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
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Plaintiff,

v

Defendant.

Case No.: _____
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§ 17:30 Arrest Warrant—Motion

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FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
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Defendant.

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VI. ARREST WARRANT

§ 17:30 Arrest Warrant—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v

Defendant.

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PEOPLE OF THE STATE OF CALIFORNIA,
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PEOPLE OF THE STATE OF CALIFORNIA, Case No. _____
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Plaintiff, Date: _____
v. Time: _____
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§ 17:29

CAL. CRIM. PR. MO., JI, SENT

charged with or convicted of any crime and even if a third party owner is not found. (Pen C § 1411; People v. Superior Court (McGraw), 100 Cal. App. 3d 154, 158, 160 Cal. Rptr. 663 (1979)) However, due process requires the People to prove by a preponderance of the evidence that the seized property was in fact stolen or embezzled, if no charges are pending and no conviction has been obtained. Although it may be suspected that the seized property was stolen, that fact must be proven by due process of law. (People v. Lawrence, 140 Cal. App. 2d 133, 138, 295 P.2d 4 (1956)) Evidence Code § 637 provides that the "things which a person possesses are presumed to be owned by him."

NOTES TO FORM

Research References

Text References
C.J.S., Searches and Seizures §§ 217-226
West's Digest References
Searches and Seizures C-84

VI. ARREST WARRANT

§ 17:30 Arrest Warrant—Motion

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF _____

PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

v

Defendant.

Case No. _____
NOTICE OF MOTION TO
SUPPRESS EVIDENCE
(Pen C § 1538.5)
Date: _____
Time: _____
Place: _____

TO THE DISTRICT ATTORNEY OF _____
COUNTY AND/OR _____ [HIS OR HER] REPRESENTATIVE:

PLEASE TAKE NOTICE that on _____ [date], at the hour of _____ or as soon thereafter as counsel may be heard in the courtroom of the above-entitled court, the defendant will move that the Court suppress as evidence and restore to the defendant all property seized and observations made under authority of and during the execution of the arrest warrant in the above-case.

This motion will be made on the ground that the search and seizure pursuant to the arrest warrant was unreasonable in violation of the Fourth and Fourteenth Amendments to the United

SEARCH AND SEIZURE

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States Constitution and violated the defendant's reasonable expectation of privacy. This motion will be made on the following grounds: _____ [specify the legal basis for the warrant's inadequacies. For example: There was no probable cause for the issuance of the arrest warrant].

This motion will be based on this notice of motion, on the attached declaration and memorandum of points and authorities served and filed herewith, on such supplemental memoranda of points and authorities as may hereafter be filed with the court or stated orally at the conclusion of the hearing on the motion, on all the papers and records on file in this action, and on such oral and documentary evidence as may be presented at the hearing of the motion.

Dated: _____

Attorney for Defendant

NOTES TO FORM

Authorities

Pen C §§ 813-814, 816, 1427
People v. Alcorn (1993) 15 Cal 4th 652, 19 Cal Rptr 2d 47

Commentary

A warrant of arrest is a written order, issued by a judge, directing any peace officer to arrest a designated person. The request for an arrest warrant must be supported by a sworn affidavit setting forth the essential facts constituting the offense and sufficient facts to establish that the defendant committed it. (Gordienello v. U.S., 357 U.S. 480, 485, 78 S. Ct. 1246, 2 L. Ed. 2d 1503 (1958)) The supporting affidavit must "allege underlying facts upon which the magistrate can independently find probable cause to arrest the accused." (Pen C §§ 813, 1427; People v. Sesslin, 68 Cal. 2d 418, 421, 67 Cal. Rptr. 409, 439 P.2d 321 (1968))

Grounds to challenge: A judge may issue an arrest warrant only if evidence is presented that the offense complained of has been committed and there is "reasonable cause" to believe the defendant has committed it. (Pen C §§ 813, 1427) "Reasonable cause" and "probable cause" and "sufficient cause" are synonymous terms. (Ortega v. Superior Court, 135 Cal. App. 3d 244, 256, 185 Cal. Rptr. 297 (1982)) Any tangible evidence seized or observations made based upon an arrest warrant lacking a probable cause basis for its issuance may be suppressed.

Arrest warrant's existence must be proved: Police officers do not have to have a copy of an arrest warrant in their possession in order to make a valid arrest, when they are informed through official channels of the warrant's existence. (Pen C § 842; People v. Sanford, 265 Cal. App. 2d 960, 71 Cal. Rptr. 790 (1968)) However, upon demand the warrant must be produced in court. The production of a warrant abstract showing the existence of a facially valid warrant is sufficient. (People v. Alcorn (1993) 15 Cal. 4th 652, 19 Cal. Rptr. 2d 47) If challenged, the prosecution must prove that the arresting officer actually received the transmitted arrest warrant information and, to protect against manufactured probable cause, the prosecution retains the burden of proving the source of information was something other than the imagination of another law enforcement officer. (People v.

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PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner seeks to attack a sentence to be served in the future under a federal judgment, petitioner should file a motion under 28 U.S.C. § 2255 in the federal court that entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY
Instructions - Read Carefully

- (1) This petition must be legibly handwritten or typewritten and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or oral arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a filing fee of \$5.00 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with this petition, you may request permission to proceed in forma pauperis, in which event you must complete and execute the Application to Proceed In Forma Pauperis by a Prisoner appended to this petition. You must have a prison or jail official complete the Certification section on the back of the application. If you submit an incomplete application, your request to proceed in forma pauperis will be denied.
- (5) Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) You must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, mail the original and at least two copies to:

Clerk of the U.S. District Court
for the Eastern District of California
501 I Street, Room 4-400
Sacramento, California 95814

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT

CORRECTIONAL SERVICES

INMATE GRIEVANCE/SUGGESTION

NAME (PRINT LAST, FIRST, MIDDLE) <i>SAKSE, JAMES W.</i>	DATE OF BIRTH <i>5-6-64</i>	XREF NUMBER <i>3815261</i>	DATE <i>8-20-13</i>
INMATES SIGNATURE <i>[Signature]</i>	INMATE'S LOCATION <i>2L316</i>	DATE AND TIME OF OCCURRENCE <i>8-18-13</i>	

INSTRUCTIONS: PLEASE PRINT YOUR NAME ON THE FORM AS IT APPEARS ON YOUR WRISTAND AND INCLUDE YOUR XREF NUMBER. IF MORE THAN ONE PERSON IS SIGNING THE GRIEVANCE/SUGGESTION, PLEASE PLACE FULL NAMES AND XREF NUMBERS AT THE END OF THE FORM. USE A SECOND FORM IF MORE SPACE IS NEEDED.

GRIEVANCE/SUGGESTION:

I AM APPEALING SGT. DRUMMOND'S FINDING OF GUILT FOR WATTS-WATTS 0070342005 DUE TO THE OFFICER IN THE REPORT DID NOT REPORT ANYTHING SPECIFIC I SAID TO HIM TO BE CONSIDERED "INSUBORDINATE/VISIBLY". DEPUTY DRUMMOND #2508 LIES IN HIS REPORT SAYING HE SUSPECTED ME OF "CHUCKING" PILLS BECAUSE HE SAW THE NURSE CRUSH MY PILLS. AND CHECK MY MOUTH, THERE IS NO WAY POSSIBLE TO "CHECK" CRUSHED PILLS. HE IS A LIAI AND ABUSED HIS AUTHORITY TO HARASS ME AT 2:30 AM WITH A CELL SEARCH BECAUSE HE WAS MAD I CHECKED HIM FOR ATTEMPTING TO GET INVOLVED IN MY CONVERSATION WITH THE NURSES ABOUT A MEDICAL ISSUE. ALSO I AM APPEALING THIS VIOLATION OF TITLE 15 LAWS DUE TO JAIL STAFF ARE REFUSING TO GIVE ME MY RIGHT TO EXERCISE 3-HOURS PER WEEK DUE TO A 7-DAY PERIOD.

RECEIVING OFFICER (PRINT) <i>KYLE KROG</i>	BADGE NO. <i>2586</i>	SIGNATURE <i>[Signature]</i>	DATE/TIME <i>8-20-13 10:14/13</i>
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RECEIVING OFFICERS/SUPERVISOR'S COMMENTS

SUPERVISOR'S NAME (PRINT)	BADGE NO.	SIGNATURE	DATE/TIME
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